

## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	FLORES, Gerhard et al.	) Examiner:
Application No.:	10/563,095	) unknown
PCT Filing Date:	June 30, 2004	) Art Unit:
For:	METHOD FOR THE PRODUCTION	) unknown
	OF VALVE SEATS, AND VALVE	)

Atty. Docket No.: 1541 0007US

## PETITION UNDER 37 CFR 1.181

Director USPTO  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
USA

This communication is a petition under 37 CFR 1.181 to withdraw abandonment of the above mentioned patent application. Abandonment was based on failure to reply to a notice of missing requirements, mailed September 14<sup>th</sup>, 2006, within the time period set therein. The Applicant hereby petitions for withdrawal of abandonment, since the subject notification was never received by the Applicant.

## STATEMENT OF FACTS

The Applicant received a notice of abandonment in the subject patent application mailed December 3<sup>rd</sup>, 2007 indicating abandonment due to lack of response to a notification of missing requirements mailed on

September 14<sup>th</sup>, 2006. In response thereto, the Applicant examined the attorney file associated with the subject patent application for the notice of missing requirements. The attorney file search indicated no notification of missing requirements having been received in the subject application. Subsequent thereto, the Applicant examined the law firm docket record at which the subject patent application is being prosecuted. The date for reply to the notice of missing requirements mailed September 14<sup>th</sup>, 2006 was November 14<sup>th</sup>, 2006. Inspection of the corresponding docket record for that day revealed no entry for attorney docket number 1541 007US, the docket number associated with the subject patent application, thereby clearly confirming lack of receipt of that notification.

#### EVIDENCE IN SUPPORT OF THESE FACTS

The Applicant hereby encloses the notification of missing requirements which the Applicant retrieved from the USPTO image file subsequent to receipt of the notice of abandonment. The notification of missing requirements indicates a mailing date of September 14<sup>th</sup>, 2006 and a time period for reply of two months from the date of the notice or November 14<sup>th</sup>, 2006. The Applicant also encloses the docket record for the subject law firm on the date of November 14<sup>th</sup>, 2006. No entry for docket number 1541 007US, the docket number associated with the subject patent application, is indicated on the docket report. The Applicant also encloses a typed copy of the docket number entries on the hand written docket report for clarity, since the crossed out entries are somewhat difficult to read. The Applicant hereby states that this typed copy is an accurate and true representation of the docket record. Clearly, docket number 1541 007US is missing.

## SUMMARY AND REQUESTS

The Applicant has provided clear evidence of lack of receipt of a notice of missing requirements and therefore requests withdrawal of abandonment. This petition is also accompanied by a separate letter submitting the missing declaration along with the surcharge fee of \$ 130, thereby satisfying the requirements of the omitted action. The Applicant believes no additional fees associated with this petition per se are required but nevertheless authorizes charges or credits to deposit account 50-1030.

### Enclosures

Notification of missing requirements

Original copy of attorney docket record

Clean typed replication of attorney docket record

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Respectfully submitted,

Paul Vincent

Dr. Paul Vincent

Registration number 37,461

Jan. 11, 2008

Date

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Patentanwälte

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**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/563,095	Gerhard Flores	1541 0007US

INTERNATIONAL APPLICATION NO.
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PCT/EP04/07062

I.A. FILING DATE	PRIORITY DATE
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06/30/2004

07/01/2003

29894  
 DREISS, FUHLENDORF, STEIMLE & BECKER  
 POSTFACH 10 37 62  
 D-70032 STUTTGART,  
 GERMANY

**CONFIRMATION NO. 4570**

**371 FORMALITIES LETTER**



\*OC000000020413088\*

Date Mailed: 09/14/2006

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/30/2005
- English Translation of the IA filed on 12/30/2005
- Copy of the International Search Report filed on 12/30/2005
- Preliminary Amendments filed on 12/30/2005
- Information Disclosure Statements filed on 12/30/2005
- Request for Immediate Examination filed on 12/30/2005
- U.S. Basic National Fees filed on 12/30/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130 Surcharge.**

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

INDIA L EVANS

Telephone: (703) 308-9140 EXT 212

**PART 2 - OFFICE COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/563,095	PCT/EP04/07062	1541 0007US

46. Woche, 318. Tag

19840002EP

17031702  
17031705

01480217EP  
02540020EP

06070361  
06071603CN

21040133  
50410009EP

154141600

01480141EP

08250476EP2  
38261278  
03460003EP  
37370006EP  
22040036

21040159  
21040155  
21040133

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\*\*\* RX REPORT \*\*\*  
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RECEPTION OK

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TIME USE	03'30
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RESULT	OK